

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
America-CV Station Group, Inc.	)	File No. CSR-____-M
Licensee of Stations WJPX, San Juan,	)	MB Docket No. 12-____
and WIRS, Yauco, Puerto Rico	)	
	)	
v.	)	
	)	
Liberty Cablevision of Puerto Rico, Inc.	)	

To: Chief, Policy Division, Media Bureau  
Filed electronically in MB Docket No. 12-1

**MUST-CARRY COMPLAINT**

1. Introduction. America-CV Station Group, Inc. (“America-CV”), hereby petitions the Commission, pursuant to Sections 76.7 and 76.61(a)(3) of the Commission’s Rules and Regulations, for an Order directing Liberty Cablevision of Puerto Rico (“Liberty”) to comply with the mandatory carriage provisions of Section 76.56 and the channel positioning provisions of Section 76.57 of the Rules with respect to the following two full power digital television broadcast stations licensed to America-CV:

WJPX, Facility ID 58340, Virtual Channel 24, San Juan, PR  
WIRS, Facility ID 39887, Virtual Channel 42, Yauco, PR

A list of communities served by Liberty is attached as Exhibit 1.

2. Regulatory Background. Pursuant to Section 614(b)(1)(B) of the Communications Act of 1934, as amended, and Section 75.56(b)(2) of the Commission’s Rules, local commercial television broadcast stations such as WJPX and WIRS are entitled to assert mandatory carriage rights on cable systems serving subscribers within their market. A station’s market for this purpose is its “designated market area,” or DMA, as defined by Nielsen. Both WJPX and WIRS

operate on channels allotted to, and both stations are licensed to, communities on the Island of Puerto Rico. Both stations thus meet the definition of local commercial television station in Section 76.55(c).<sup>1</sup>

3. Must-Carry Election. The most recent three-year must-carry election cycle began on January 1, 2012, with election notices due October 1, 2011. America-CV did not make an election for either WJPX or WIRS. Therefore, both stations are deemed to have elected must-carry status, pursuant to Section 76.64(f)(3) of the Rules.

4. Carriage of WJPX. Liberty has historically carried the signal of WJPX on Cable Channel 24. Until August 13, 2012, WJPX's programming was known first as Caribévision and later AmericaTévé. This programming was broadcast on WJPX on analog Channel 24 and later on the WJPX primary digital stream, Virtual Channel 24.1, during and after the digital transition. On August 13, 2012, WJPX became an affiliate of the new MundoFox television network. MundoFox programming is now broadcast on Virtual Channel 24.1. AmericaTévé was moved to Virtual Channel 24.2.

5. When WJPX began MundoFox programming on Channel 24.1, Liberty changed its carriage from Channel 24.1 to 24.2 and is currently carrying AmericaTévé (RF Virtual Channel 24.2) on Cable Channel 24. It is not carrying MundoFox (RF Virtual Channel 24.1) at all.<sup>2</sup> America-CV is entitled to choose which of its streams is "primary" and thus entitled to

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<sup>1</sup> The Commission has historically treated the entire Island of Puerto Rico as a single television market, even though it does not appear on the Nielsen DMA list; *see, e.g., Paxson Communications of San Juan, Inc.*, 16 FCC Rcd 14139 (2001).

<sup>2</sup> *See* [http://tvlistings.aol.com/listings/pr/sect-canales/liberty-cablevision/PR60482#evt-15623\\_2012-08-23\\_22X00](http://tvlistings.aol.com/listings/pr/sect-canales/liberty-cablevision/PR60482#evt-15623_2012-08-23_22X00), visited August 23, 2012.

mandatory carriage.<sup>3</sup> Channel 24.1, which Liberty has always carried in the past, is, and has always been, the WJPX primary stream; but it is no longer being carried.

6. Carriage of WIRS. Liberty is not carrying WIRS at all and has not carried WIRS at any time since America-CV became the licensee of that station.<sup>4</sup> WIRS historically operated as a satellite of WJPX. Because both stations carried the same programming, Liberty was excused from carrying WIRS pursuant to Section 614(b)(5) of the Communications Act and Section 76.56(b)(5) of the Rules. However, effective August 13, 2012, the programming of WIRS became different, so the exemption for duplicated programming terminated.<sup>5</sup> WIRS' primary stream, Virtual Channel 42.1, now broadcasts AmericaTévé programming. WIRS also broadcasts MundoFox on Virtual Channel 42.2. However, as explained in ¶ 4, *supra*, must-carry rights accrue to the WIRS primary stream, which is Channel 42.1.

7. Carriage Demand. By letter delivered on June 25, 2012, America-CV advised Liberty of its impending programming changes and formally requested initiation of carriage of WIRS separately from WJPX.<sup>6</sup> Liberty never responded in writing. Oral discussions occurred between employees of America-CV and Liberty, but those discussions never resulted in any

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<sup>3</sup> *Carriage of Digital Broadcast Signals*, 16 FCC Rcd 2598 at ¶ 57(2001).

<sup>4</sup> America-CV became the licensee of both WJPX and WIRS on May 7, 2010. *See* File Nos. BALCDT-20091123AKM for WJPX and BALCDT-20091123AKQ for WIRS.

<sup>5</sup> America-CV is also the licensee of Stations WKPV, Facility ID 58341, Ponce, and WJWN-TV, Facility ID 58342, San Sebastian, PR. WKPV and WJWN-TV continue to operate as satellites of WJPX. Separate cable carriage of those stations has not been requested, as Section 614(b)(5) of the Communications Act and Section 76.56(b)(5) of the Rules continue to excuse cable operators from providing separate carriage.

<sup>6</sup> Copies of the letter and certified mail delivery receipt are attached as Exhibit 2. The Postal Service did not put a delivery date on the receipt, but also included in the exhibit is a print-out from the Postal Service website confirming that the date of delivery was June 25, 2012.

formal response or action by Liberty and have not occurred since August 3, 2012.<sup>7</sup> Contact between legal counsel for America-CV and legal counsel for Liberty occurred between August 6 and August 14 but were then terminated by Liberty's counsel.<sup>8</sup> Accordingly, pursuant to Section 76.61(a)(5)(2) of the Rules, the 60-day time period for filing a must-carry complaint started 30 days after receipt of America-CV's must-carry demand. The 60-day period expires September 24, 2012. Accordingly, this complaint is timely filed.

8. Good Quality Signal. Both WJPX and WIRS provide a good quality signal to the Liberty headend, as required by Section 76.55(c)(3) of the Rules. Liberty has taken the signal of WJPX over the air for many years, so the signal of that station must be of good quality. Liberty has not claimed that the signal of WIRS is not of good quality. WIRS' 41 dBu contour covers virtually the entire Island of Puerto Rico, and the station is about to increase its power pursuant to File No. BPCDT-20120612ACU, granted August 9, 2012, such that its 48 dBu principal city grade contour will cover virtually the entire Island.<sup>9</sup> However, even if the signal of WIRS is not of good quality at the Liberty primary headend, the programming of WIRS is being delivered to Liberty *via* WJPX's Channel 24.2, which qualifies as an alternative delivery mechanism under

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<sup>7</sup> See Declaration of Marcos Crespo, Puerto Rico Operations Coordinator for America-CV, attached as Exhibit 3.

<sup>8</sup> Undersigned Counsel for America-CV sent a letter to Counsel for Liberty (Paul B. Hudson, Esq., Davis Wright Tremaine, LLP, Washington, DC) on August 6, 2012, requesting assistance in resolving the carriage dispute. While cordial discussions followed, Counsel for Liberty informed Counsel for America-CV on August 14, 2012, that he was no longer authorized by Liberty to handle this matter; so he could not participate further, and future communications should be sent directly to Liberty. No Liberty contact person's name was provided.

<sup>9</sup> The service contours as now licensed and as authorized in the granted construction permit are displayed on a map that is an exhibit to the construction permit application in CDBS: [https://licensing.fcc.gov/cdbs/CDBS\\_Attachment/getattachment.jsp?appn=101510212&qnum=5450&copynum=1&exhcnun=7](https://licensing.fcc.gov/cdbs/CDBS_Attachment/getattachment.jsp?appn=101510212&qnum=5450&copynum=1&exhcnun=7)

Section 76.55(c)(3) of the Rules.<sup>10</sup> Liberty's historical carriage of WJPX's Channel 24.1 *via* off-the-air pickup demonstrates the sufficiency of the quality of the Channel 24.2 signal.

9. How WJPX and WIRS Should Be Carried. Liberty may argue that it is carrying WIRS now by virtue of its continued carriage of AmericaTévé programming. However, AmericaTévé is being carried on cable Channel 24, which is the position to which WJPX's primary stream is entitled. Liberty's obligation is to carry Channel 24.1, WJPX's primary stream, on cable Channel 24, and Channel 42.1, WIRS' primary stream, on cable Channel 42.<sup>11</sup>

10. Summary:

a. WJPX and WIRS are both local commercial television stations, licensed and operating in the Puerto Rico market, where Liberty also operates. Neither made an election by October 1, 2011 and so are both must-carry stations by default.

b. The programming of both stations is delivered to Liberty with a good quality signal.

c. The programming of the two stations, which was once the same, is no longer the same; so there is no longer an exemption from the obligation to carry both stations, each on a separate cable channel.

d. WJPX Channel 24.1 is entitled to carriage on cable Channel 24. WIRS Channel 42.1 is entitled to carriage on cable Channel 42. Both channels must be provided in the basic tier, delivered to all subscribers.<sup>12</sup>

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<sup>10</sup> See *Jovon Broadcasting Corp. v. RCN Corp. Request for Mandatory Carriage of Television Station WJYS-TV, Hammond, Indiana*, 18 FCC Rcd. 8145 (2003).

<sup>11</sup> Placement of WJPX on cable Channel 24 and WIRS on cable Channel 42 is pursuant to Section 614(b)(6) of the Communications Act and Section 75.57(a) and/or (f) of the Rules, unless America-CV and Liberty mutually agree on different channels, pursuant to Section 75.57(d). Channels 24 and 42 must both be distributed on the basic tier to every subscriber, pursuant to Section 614(b)(7) of the Communications Act.

<sup>12</sup> There is nothing in the channel listings for Liberty (fn. 2, *supra*) to suggest that it has reached its quota of one-third of its channel capacity devoted to broadcast signals. See Section 76.56(b)(2) of the Rules.

e. At this time, Liberty is carrying only one channel, which is the programming of WIRS, on cable Channel 24. It is not carrying the programming of the primary stream of WJPX at all.

11. Relief Requested. In light of the foregoing showing, America-CV hereby requests that Liberty be directed immediately to carry WJPX's MundoFox programming from over-the-air Channel 24.1 on cable Channel 24 and WIRS' AmericaTévé programming from over-the-air Channel 42.1 on cable Channel 42.<sup>13</sup> The notice to subscribers required by Section 76.1601 of the Rules should not be required prior to restoring WJPX's primary stream to cable Channel 24, as WJPX has always been carried on that cable channel, so no existing station is being deleted or repositioned.<sup>14</sup> Replacement of the existing service on Channel 42 will require notice to subscribers,<sup>15</sup> unless America-CV and Liberty agree to carriage of WIRS on a different channel that does not require repositioning of an existing service.<sup>16</sup> The Commission should direct

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<sup>13</sup> Over-the-air Channel 24.2 from WJPX's transmitter will continue to be available as an alternative delivery system for WIRS's Channel 42.1 if Liberty claims that the quality of over-the-air reception from the WIRS transmitter is not adequate.

<sup>14</sup> The change of programming on WJPX was not an excuse for Liberty to stop carrying the primary stream, and Liberty may have violated Section 76.1601 by switching to a secondary stream of WJPX.

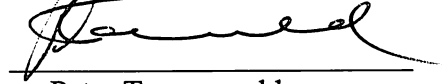
<sup>15</sup> According to the source cited at fn. 2, *supra*, Liberty currently carries the FX Network on cable Channel 42. FX is not a commercial or noncommercial TV broadcast station with channel placement rights that could be superior to WIRS' rights, so the replacement rights of WIRS are not defeated under Section 75.57(f) of the Rules.

<sup>16</sup> America-CV is willing to entertain a proposal by Liberty for carriage on another channel, as long as WIRS is positioned in a desirable channel neighborhood. America-CV is not, however, at this time relinquishing its right to carriage on cable Channel 42, with that channel included in the basic tier.

Liberty to give such notice promptly, with carriage of WIRS initiated immediately after the 30-day notice period required by the rule.

Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17<sup>th</sup> St., 11<sup>th</sup> Floor  
Arlington, VA 22209-3801  
Tel. 703-812-0404  
Fax 703-812-0486

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tannenwald", written over a horizontal line.

Peter Tannenwald

Counsel for America-CV Station Group, Inc.

August 27, 2012

# Exhibit 1

Community Unit	Community Name	Municipality Type	County Name	Legal Name	Assumed Name	CUID Status
PR0014	CAGUAS	Incorporated City	CAGUAS	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0017	CANOVANAS	Incorporated Town	CANOVANAS	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0018	RIO GRANDE	Incorporated Town	RIO GRANDE	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0019	FAJARDO	Incorporated Town	FAJARDO	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0020	CEIBA	Incorporated Town	CEIBA	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0021	LUQUILLO	Incorporated Town	LUQUILLO	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0022	VEGA ALTA	Incorporated Town	VEGA ALTA	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0023	VEGA BAJA	Incorporated Town	VEGA BAJA	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0024	DORADO	Incorporated Town	DORADO	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0025	MANATI	Incorporated Town	MANATI	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0033	ARECIBO	Incorporated Town	MANATI	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0034	CAMUY	Incorporated Town	CAMUY	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0035	HATILLO	Incorporated Town	HATILLO	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0036	BARCELONETA	Incorporated Town	BARCELONETA	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0038	SAN LORENZO	Incorporated Town	SAN LORENZO	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0039	JUNCOS	Incorporated Town	JUNCOS	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0040	GURABO	Incorporated Town	GURABO	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0042	LOIZA	Incorporated Town	LOIZA	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0049	LARES	Incorporated Town	LARES	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0050	SAN SEBASTIAN	Incorporated Town	SAN SEBASTIAN	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0051	UTUADO	Incorporated Town	UTUADO	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0052	MOROVIS	Incorporated Town	MOROVIS	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0053	CIALES	Incorporated Town	CIALES	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0054	COROZAL	Incorporated Town	COROZAL	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0055	OROCOVIS	Incorporated Town	OROCOVIS	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0056	FLORIDA	Incorporated Town	FLORIDA	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0057	LAS PIEDRAS	Incorporated Town	LAS PIEDRAS	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0058	AGUAS BUENAS	Incorporated Town	AGUAS BUENAS	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0059	CIDRA	Incorporated Town	CIDRA	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0060	HUMACAO	Incorporated City	HUMACAO	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0061	NAGUABO	Incorporated Town	NAGUABO	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0062	CAYEY	Incorporated Town	CAYEY	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0063	YABUCOA	Incorporated Town	YABUCOA	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0064	BARRANQUITAS	Incorporated Town	BARRANQUITAS	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0065	COMERIO	Incorporated Town	COMERIO	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0066	NARANJITO	Incorporated Town	NARANJITO	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0067	AIBONITO	Incorporated Town	AIBONITO	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0078	ARECIBO	Unincorporated area	MANATI	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active
PR0079	MANATI	Unincorporated area	MANATI	LIBERTY CABLEVISION OF PUERTO RICO INC	LIBERTY CABLEVISION OF PUERTO RICO INC	Active



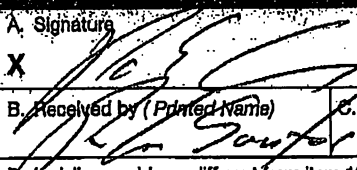
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  X  <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Najj Khoury  General Director  Liberty P.R.  PO Box 719  Luquillo P.R., 00773</p>		<p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number</p> <p>(Transfer from service label)</p>		<p>7012 0470 0000 6999 9542</p>	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

EXHIBIT 2

américa tevé



June 19, 2012

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Naji Khoury  
General Director  
Liberty PR  
PO Box 719  
Luquillo PR 00773

**Re: WIRS Must-Carry Request**

Dear Mr. Khoury,

This is to notify you that television station WIRS, Yauco, Puerto Rico, hereby exercises its must-carry rights on your cable television system or systems serving subscribers on the island of Puerto Rico. This is a formal request for carriage, under the mandatory carriage provisions of Section 614(b)(1)(B) of the Communications act of 1934, as amended, 47 U.S.C. § 534(b)(1)(B), and Section 76.56(b)(2) of the Rules and Regulations of the Federal Communications Commission (FCC).

The FCC has always treated the entire island as the equivalent of a single television market for cable carriage purposes, even though Puerto Rico is not listed by Nielsen as a Designated Market Area ("DMA"). WIRS's community of license and your cable system are both located in the Puerto Rico DMA-equivalent market. Therefore, the Communications Act and the FCC's Rules require your cable system to carry WIRS unless the station elects retransmission status. WIRS did not make any election by October 1, 2011, and so is a must-carry station by default under Section 76.64(f)(3) of the FCC's Rules.

In the past, WIRS has broadcast the same programs as WJPX, San Juan, WKPV, Ponce, and WJWN-TV, San Sebastian, Puerto Rico. You have carried the programming of all four stations on only one cable channel. Because the programming has been the same on all stations, WIRS has not objected in the past and has not previously demanded carriage separately from the other stations in the network. However, effective August 1, 2012, the programming of WIRS will be different from the programming of the other stations. Therefore, WIRS's programs will

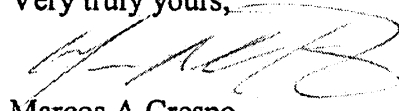
not reach viewers through any other station, and the exemption from your carriage obligation in Section 76.56(b)(5) of the FCC's Rules will end. WIRS is now exercising its independent right to carriage on a separate channel on your cable system(s).

WIRS has the right to be carried on the cable channel which corresponds to its over-the-air channel, pursuant to Section 76.57(f) of the FCC's Rules. We requests carriage on cable channel 41, which corresponds to the station's over-the-air virtual channel. If you have a reason that justifies not carrying WIRS on cable channel 41, we request carriage on cable channel 42, which is the station's over-the-air RF channel. In either case, the channel on which the station is carried must be included in your system's basic tier, distributed to all subscribers.

If you wish to discuss carriage on a different basic tier channel, you are welcome to contact me to see if we can reach a mutually satisfactory agreement.

We request your response within 30 days, and sooner if possible, so that we can both plan in an orderly way for the August 1 change and you can begin separate carriage of WIRS as soon as possible. If you do not respond in 30 days, the FCC's rules consider that to be a rejection, starting the time clock for us to file a formal petition asking the FCC to order you to carry WIRS on a separate channel.

Very truly yours,



Marcos A Crespo  
Operations Manager

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## Track & Confirm

You entered: 70120470000069999542

### Status: Delivered

Your item was delivered at 10:24 am on June 25, 2012 in LUQUILLO, PR 00773.  
Additional information for this item is stored in files offline.

You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed within four hours. This information will remain online for 30 days.

☐ I would like to receive notification on this request

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**DECLARATION OF MARCOS A CRESPO**

**Marcos A Crespo hereby declares as follows:**

1. I am the Puerto Rico Operations Coordinator for America-CV Station Group, Inc., licensee of televisions WJPX, San Juan, and WIRS, Yauco, Puerto Rico.

2. In June 19th of 2012, I supervised the preparation and sending of a letter to Liberty Cablevision of Puerto Rico, Inc. ("Liberty"), formally exercising must-carry rights for Station WIRS.

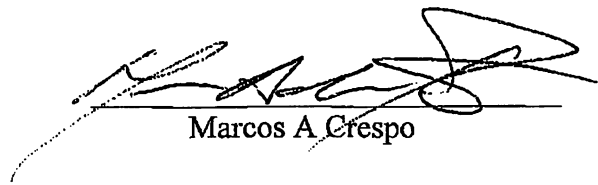
3. On July 12, 2012, I held a meeting, at Liberty's Headquarters, with Gabriel Palerm, Sales and Marketing Director for Liberty. The purpose of the meeting was to inquire WIRS position on Liberty's. He indicated that Liberty was willing to carry WIRS, but only on a channel number in the 80's or 90's. He argued that his head end does not receive WIRS signal, I responded to him that our Manager in charge of Engineering is willing to work with his head end to solve that issue, suggestion that he didn't accept; I also told him that we should be on the lower frequency channels. He insisted on waiting after the launch of MundoFox programming on WJPX before making a final decision to carry WIRS AmericaTévé and WJPX MundoFox program services.

4. I have had conversations with Liberty personnel, including Mr. Palerm, but no meetings have been held, and I have received no communication from Liberty, since August 3, 2012.

5. I have never received any written response from Liberty to the written must-carry demand that was send to them.

I declare under penalty of perjury that the foregoing is true and correct of my personal knowledge.

Executed on August 27<sup>th</sup>, 2012.

  
Marcos A Crespo

## **CERTIFICATE OF SERVICE**

I, Evelyn M. Ojea, do hereby certify that I have, this 27<sup>th</sup> day of August, 2012, caused a copy of the foregoing "Must Carry Complaint" to be sent by first class United States mail, postage prepaid, to the following:

Liberty Cablevision of Puerto Rico, Inc.  
P.O. Box 719  
Luquillo, PR 00773-0719

Junta Reglamentadora de Telecomunicaciones  
500 Ave Roberto H Todd (Pda 18 - Santurce)  
San Juan, PR 00907-3941  
(and also be e-mail to [correspondencia@jrtpg.gobierno.pr](mailto:correspondencia@jrtpg.gobierno.pr))



Evelyn M. Ojea